

1
2
3
4
5
6
7
8
9
10
11
12 PAMELA WILLIAMS,
13 Plaintiff,
14 v.
15 GYRUS ACMI, LP, et al.,
16 Defendants.

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 Case No. 5:14-cv-00805 HRL
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**ORDER RE DISCOVERY DISPUTE
REPORT NO. 2**

Re: Dkt. 158

In Discovery Dispute Report No. 2, defendants seek an order compelling plaintiff Pamela Williams to produce documents responsive to their Requests for Production 77-81, 83-84, and 86-87. (Dkt. 158-1, Ex. A at 27-28). These requests ask for documents pertaining to plaintiff's claim for damages. Defendants state that they attempted to obtain plaintiff's position to be included in a joint discovery dispute report (as required by the undersigned's Standing Order re Civil Discovery Disputes), to no avail. This court grants defendants' request for discovery as follows:

There is no dispute as to the relevance or reasonableness of the discovery sought. In response to each of the requests at issue, plaintiff agreed to produce "any and all responsive documents that she can locate after diligent search and reasonable inquiry, other than any documents protected by legally recognized privilege." (Dkt. 158-1, Ex. C at 47-48). She then supplemented her Fed. R. Civ. P. 26 initial disclosures to state, among other things, that as of February 2016 she has lost wages totaling \$832,133.12, lost benefits amounting to \$212,500, and

United States District Court
Northern District of California

1 that she has mitigated damages. (Dkt. 158-1, Ex. B at 32-36). This court is told that she
2 eventually produced some documents and then supplemented her discovery responses to state that
3 she had produced all non-privileged documents in her possession, custody, or control. (Dkt. 158-
4 1, Ex. K at 86-87).

5 However, defendants say that plaintiff's assertions as to the completeness of her
6 production are not borne out by the documents. They contend that her document production is
7 deficient because it contains many (unexplained) redactions. Additionally, defendants claim that
8 the documents are missing pages and attachments. They state that tax records she produced do not
9 support the \$77,600 plaintiff claims to have earned as of February 27, 2016. Defendants further
10 contend that plaintiff has refused to allow the inspection and copying of information she used to
11 compute the alleged damages set out in her Supplemental Disclosures---even though Fed. R. Civ.
12 P. 26(a)(1)(A)(iii) provides that plaintiff must provide such discovery to defendants without
13 waiting for a formal document request.

14 On this record, this court can find no reason why plaintiff should not be compelled to
15 provide this discovery. Accordingly, no later than December 9, 2016, plaintiff shall:

- 16 • produce all non-privileged documents responsive to defendants' Document
17 Requests 77-81, 83-84, and 86-87; and
- 18 • supplement her responses to Document Requests 77-81, 83-84, and 86-87 to state
19 (1) whether or not she has withheld any responsive documents or information
20 (including through redactions); and (2) if so, on what basis. Plaintiff is advised that
21 information generally may not be withheld or redacted, except to protect
22 information covered by a legally recognized privilege, such as the attorney-client
23 privilege.

24 SO ORDERED.

25 Dated: November 30, 2016

26
27 HOWARD R. LLOYD
28 UNITED STATES MAGISTRATE JUDGE

1 5:14-cv-00805-BLF Notice has been electronically mailed to:

2 Glenn Lansing Briggs gbriggs@kadingbriggs.com, vbeechler@kadingbriggs.com

3 Kymberleigh Damron-Hsiao kdh@kadingbriggs.com, mrogers@kadingbriggs.com,
smohammadi@kadingbriggs.com, vbeechler@kadingbriggs.com

4 Pamela Williams Pam.Williams1001@gmail.com

5
6
7 5:14-cv-00805-BLF Notice to be mailed to:

8 Pamela Williams
9 909 Marina Village Parkway, #292
Alameda, CA 94501

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
United States District Court
Northern District of California